

## RESPONSE

This is a response to the Office Action dated December 22, 2005. The Examiner has rejected claims 1-2, 6-8, 11, 23-24, 28-29, 36-39, 41-42 and 48 under 35 U.S.C. § 103(a) as being anticipated by U.S. Pub 2002/0016769 ("Barbara"). Claims 3, 25 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barbara in view of U.S. Pub 20040111370 ("Sailors").

With this response, claim 5 has been cancelled. Claims 1, 2, 6, 7, 23, 28, and 36 have been amended. The amendments are for clarity purposes only and are unrelated to patentability. No new matter has been added. The rejections from the Office Action of December 22, 2005 are discussed below. Reconsideration of the application is respectfully requested in light of the above amendments and the following remarks.

### **I. REJECTIONS UNDER 35 U.S.C. § 103(a)**

Claims 1-2, 6-8, 11, 23-24, 28-29, 36-39, 41-42 and 48 under 35 U.S.C. § 103(a) as being unpatentable over Barbara in view of Youngblood. Applicants submit that claims 1-2, 5, 8, 11, 23-24, 36-39, 41-42 and 48 are patentable over Barbara because Barbara fails to disclose all the limitations of the claims. Barbara discloses "a method and system for making on-line payments." Barbara, Abstract. "A user enrolls for the on-line payments service, designates a source account for the on-line payments, and is provided a transaction account as a money deposit account [to] use as a source and a destination of funds." *Id.*

As Examiner Borlinghaus has noted, Barbara fails to disclose a large number of the features of the claims. Those many features are not obvious in light of Barbara. In Figures 3 and 4, and the accompanying description, Barbara does describe an electronic person to person exchange of money. The recipient receives an email indicating that he/she has received funds. Barbara, ¶ 55. The recipient is then prompted to register for an account, which can be used to receive the transferred funds. *Id.* The on-line payment system of Barbara does not disclose several features of the claims and those features are not obvious in light of Barbara despite not being disclosed.

Barbara fails to disclose receiving a response from the recipient accepting or rejecting the transfer of funds wherein the response includes a request by the recipient to open an account as in amended claims 1, 23 and 28. The recipient in Barbara can open an account, but does not

provide a response as in the claims. Likewise, Barbara fails to disclose transferring said amount of funds from the first account to the recipient online account associated with the recipient if the response indicates acceptance as in amended claim claims 1, 23 and 28. Similarly, in amended claim 36, the recipient approves the transaction. As discussed above, Barbara fails to disclose receiving a response from the recipient. It is not obvious to combine these features with the system in Barbara. The recipient in Barbara does have several options regarding accounts to transfer the funds to, but there is no suggestion that the recipient responds to the transfer request. *Id.* This is not obvious in light of the several existing options for the recipient in Barbara.

Additionally claim 1 discloses that if the response indicates acceptance, the response includes information identifying the recipient online account. As discussed above, there is no disclosure in Barbara of an acceptance response and it would not be obvious.

Barbara fails to disclose identity confirmation as in amended claims 1, 6, 23 and 28. Specifically, Barbara fails to disclose the use of a query and the answer to the query for identity confirmation as in amended claim 6. Likewise, amended claim 23 includes automatically sending an electronic message to the first user with identification information for the second account associated with the second user and amended claim 28 includes automatically sending the identity information to the first user. Barbara does not discuss identity confirmation. It would not be obvious to include identity confirmation in the online payment system of Barbara. The system utilizes e-mail addresses for identity and therefore does not contemplate the need for additional identity confirmation.

Additionally, amended claim 36 includes a bank identifier that identifies a first of a plurality of affiliate banks. The first affiliate bank conducts the fund transfer settlement for the transferred funds. Barbara does disclose multiple accounts or funding sources for transferring funds. Barbara, ¶¶ 17, 54 and 60. However, there is not disclosure of affiliate banks that conduct the fund transfer. The accounts in Barbara may be with different banks, but they are the source of the funds. There is no suggestion of a plurality of affiliate banks that can be used for the fund transfer, only a plurality of accounts as the source of the funds.

For the reasons described above, Applicant submits that independent claims 1, 6, 23, 28 and 36 are allowable. Claims 2, 5, 7, 8, 11, 24, 29, 37-39, 41-42 and 48 depend from the allowable independent claims and are allowable for the same reasons as the independent claims from which they depend.

Dependent claims 3, 25 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barbara in view of Saylor. Dependent claims 3, 25 and 40 are all allowable for the same reasons as the independent claims from which they depend. Saylor further fails to disclose all the features of the independent claims from which claims 3, 25 and 40 depend. Specifically, Saylor fails to disclose a recipient response accepting or rejecting a transfer of funds and the transfer of identification information for identity confirmation.

## II. CONCLUSION

Each of the rejections in the Office Action dated December 22, 2005 has been addressed and no new matter has been added. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

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Date



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